

JUN 14 2004

**MAXYGEN**

Intellectual Property  
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**FACSIMILE COVER SHEET**

**DATE:** June 14, 2004

**Page(s): 2**

**FAX NO:** (703) 872-9306

**To:** United States Patent and Trademark Office

(Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Arlington, Virginia 22313-1450)

**From:** Sharon Fujita

**RE:** U.S.S.N. 10/020,540

Please contact Sharon Fujita at (650) 298-5421 if you have any problems receiving this transmission.

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, at (703) 872-9306 (Mail Stop Amendment, Commissioner for Patents, P.O. Box, Arlington, Virginia 22313-1450), on:

JUNE 14, 2004  
By: Sharon M. Fujita  
Sharon M. Fujita

Attorney Docket No: 0173.210US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gusui Wu, et al.

Application No.: 10/020,540

Filed: October 30, 2001

For: STRAWBERRY VEIN BANDING VIRUS  
(SVBV) PROMOTER

Examiner: Georgia L. Helmer

Art Unit: 1638

RESPONSE TO RESTRICTION  
REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450

Sir:

In the Restriction Requirement mailed May 11, 2004, the Examiner restricted the claims and requires Applicants to elect a single nucleic acid from SEQ ID NO: 1, 2, 3, or 4. Responsive to the Restriction Requirement, Applicants hereby elect SEQ ID NO: 1.

The one month period for reply expires on June 11, 2004, which has been declared a National Day of Mourning in which the Federal Government is closed. The next succeeding business day is June 14, 2004. Accordingly, no fee is believed to be due in connection with this submission. The Commissioner is hereby authorized to charge any fee deficiencies in connection with this submission to Deposit Account 50-0990.

Respectfully submitted,

Sharon M. Fujita  
Sharon M. Fujita  
Attorney for Applicants  
Reg. No. 38,459

June 14, 2004

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